

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES ROBINSON,

Plaintiff,

v.

Civil Case No. 14-11987
Honorable Linda V. Parker

STEPHEN ANDREWS, ET AL.,

Defendants.

**OPINION AND ORDER DENYING IN PART PLAINTIFF'S MOTIONS FOR
INJUNCTIVE RELIEF [ECF NOS. 9, 12]**

On May 19, 2014, Plaintiff initiated this civil rights action pursuant to 42 U.S.C. § 1983 against a number of defendants. Plaintiff is a Michigan Department of Corrections' inmate. He filed an amended complaint on July 2, 2014. Plaintiff has filed two motions in which he seeks to be transferred to federal protective custody and to be provided adequate medical care. (ECF Nos. 9, 12.) This matter has been referred for all pretrial matters to Magistrate Judge Michael Hluchaniuk.

On November 14, 2014, Magistrate Judge Hluchaniuk issued a Report and Recommendation ("R&R") in which he recommends that this Court deny Plaintiff's motions to the extent he seeks to be transferred to federal protective custody. (ECF No. 69.) Magistrate Judge Hluchaniuk reasons that the federal courts generally lack the authority to order state officials to transfer a state inmate to federal custody. (*Id.* at 4-5.) With respect to Plaintiff's request for adequate medical care, Magistrate Hluchaniuk has directed Defendants to file a response to Plaintiff's motions and

indicates that he then will issue a separate report and recommendation addressing the issue.¹ (*Id.* at 5.)

At the conclusion of the R&R, Magistrate Judge Hluchaniuk informs the parties that they must file any objections to the R&R within fourteen days. (*Id.* at 6-7.) He further advises that the “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” (*Id.* at 6, citations omitted). Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Hluchaniuk with respect to Plaintiff’s request for an injunction, mandating his transfer to federal protective custody. The Court lacks the authority to grant Plaintiff’s requested relief. The Court therefore adopts the R&R.

Accordingly,

IT IS ORDERED, that Plaintiff’s motions for injunctive relief [ECF Nos. 9, 12] are **DENIED IN PART**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: December 23, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, December 23, 2014, by electronic and/or U.S. First Class mail.

s/ Richard Loury
Case Manager

¹ Defendants’ response was due on or before December 5, 2014. (ECF No. 70.) Defendants Kyra Bennett, Cheryl Evans, Michael Huges, Michigan Department of Corrections, John Rubitshum, Ryan P Smith, Michele R Spivey, and Joan Youkins filed a response on December 2, 2014. (ECF No. 75.)